

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, DECEMBER 10, 2009

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Lamont Merrill
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes and Vaun Waddell, Planning & Zoning Commission; and Dana Izatt, Searle Hart & Associates PLLC.

The mayor asked if there were any corrections to the minutes of the regular meeting held on November 12, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept said minutes as prepared; motion carried.

Marcie presented the November reconciliation reports for the General Fund. It was moved by Councilmember Orme and seconded by Councilmember Harris to accept the November reconciliation reports for the General Fund; motion carried. Marcie presented the November reconciliation reports for the Utility Fund. It was moved by Councilmember Orme and seconded by Councilmember King to accept the November reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$77,714.03. It was moved by Councilmember Orme and seconded by Councilmember Harris to pay the current bills, together with all regular December bills that have not yet been received; motion carried.

ORDINANCE NO. 285:

Councilmember Orme introduced Ordinance No. 285 entitled:

“AN ORDINANCE PROVIDING FOR AUXILIARY LAND USES BY AMENDING CHAPTER 6 OF THE COMPREHENSIVE PLAN ADDING TO IT AN OBJECTIVE CONCERNING AUXILIARY USES; AMENDING CHAPTER 8-3 OF THE CITY CODE BY REPEALING FROM THE TABLE IN SECTION 8-3-5 THE LINES THAT RELATE TO ZONING DISTRICTS IN THE INCORPORATED CITY; AMENDING CHAPTER 9-6 OF THE CITY CODE, ADDING TO THE LAND USE SCHEDULE IN SECTION 9-6-5 A CATEGORY FOR AUXILIARY USES; ENACTING A NEW CHAPTER 8-5 OF THE SUGAR CITY CODE AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.”

It was moved by Councilmember Harris and seconded by Councilmember Merrill to waive the reading on three different days and in full and place it upon its final passage. Thereupon the clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, Orme and Merrill

Those voting nay: Councilmember King

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilmember Orme and seconded by Councilmember Merrill to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmembers Orme and Merrill

Those voting nay: Councilmembers Harris and King

Discussion was had. The mayor requested a deferral until later in the meeting to cast the deciding vote.

Deciding vote: Mayor Dalling later voted aye.

Ordinance No. 285 was thereupon declared by the mayor to have been duly passed (he having cast the deciding vote), and the clerk was instructed to publish said Ordinance No. 285 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the City of Rexburg, Madison County, Idaho.

ORDINANCE NO. 286:

Councilmember Orme introduced Ordinance No. 286 entitled:

“AN ORDINANCE GRANTING TO CABLE ONE, INC., FOR A PERIOD OF FIFTEEN (15) YEARS FROM AND AFTER THE PASSAGE, ACCEPTANCE AND EFFECTIVE DATE OF THIS ORDINANCE, THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN, UPON, ALONG, ACROSS, ABOVE, OVER, AND UNDER STREETS, ALLEYS, EASEMENTS, OPEN AREAS, PUBLIC WAYS AND PUBLIC PLACES, NOW LAID OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF AND ADDITIONS THERETO, IN THE CITY OF SUGAR CITY; PROVIDING TERMS AND CONDITIONS FOR THE OPERATION OF SUCH CABLE TELEVISION SYSTEM AND THE PAYMENT OF FEES THEREFORE.”

It was moved by Councilmember King and seconded by Councilmember Orme to waive the reading on three different days and in full and place it upon its final passage. Thereupon the clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill

Those voting nay: none

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilmember Orme and seconded by Councilmember Merrill to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Ordinance No. 286 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council, and the clerk was instructed to publish said Ordinance No. 286 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the City of Rexburg, Madison County, Idaho.

7:20 p.m. P&Z Chairman Brian Hawkes was excused.

RESOLUTION NO. 2009-6 (Increasing annual dog license fee): Discussion was had on the proposed dog ordinance, which should be finished after the first of the year. City Attorney Bill Forsberg suggested that the city pass a resolution under the terms of the current dog ordinance (Section 4-1-4A) to increase the annual dog license fee. City Clerk Sharon Bell read Resolution No. 2009-6 pertaining to increasing the annual dog license fee. It was moved by Councilmember Harris and seconded by Councilmember Merrill to approve Resolution No. 2009-6. Thereupon the clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 1."

It was noted by City Treasurer Marcie Smith that costs for processing and disposing of dogs have risen.

PLANNING & ZONING REPORT: In the absence of P&Z Chairman Brian Hawkes, Commissioner Vaun Waddell addressed the council.

Discussion of home business ordinance: Vaun reported that P&Z has been working on a home business ordinance, and the commission has scheduled a public meeting to discuss the ordinance on Thursday, January 21, 2010. It is the desire of P&Z for a completed draft of the home business ordinance to be included in the January newsletter for citizen review. Commissioners will work with the citizens of the city and then have a formal public hearing on the proposed ordinance.

Discussion of two public hearings: Vaun reported that there is a 27-page document that reorganizes title 9. P&Z reduced title 9 from 14 to 9 chapters, one of which was repealed by the council and placed in the new title 1.

Title 9, chapters 1, 2, 4, 5, 6 & 7: Vaun reported that P&Z held a public hearing on these chapters, concluded its deliberations and is ready to make a recommendation, but will withhold it until the holiday season is over.

Title 9, chapter 3 (zoning): Vaun reported that P&Z has completed its work on the zoning chapter and anticipates making a recommendation in January.

Ninette Galbraith's replacement on P&Z: The Madison County Commission has appointed Tom Fleming to fill the vacancy created by the resignation of Ninette Galbraith as a P&Z commissioner representing the impact area.

No meeting on December 17: P&Z canceled its regularly scheduled meeting for

December 17.

AUDIT REPORT – DANA IZATT: Dana Izatt of Searle Hart & Associates PLLC addressed the council, explaining both the Independent Auditors' Report of its audit of Sugar City's financial records and its Management Report for the fiscal year ended September 30, 2009. Discussion was had. Mr. Izatt reported that the city is in good financial shape. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept said audit report as presented; motion carried.

POSSIBLE EQUIPMENT PURCHASE: The mayor reported that the city has three lawnmowers now, one of which is very old, and that city maintenance employees have requested a new one. They obtained a bid from Jacobsen for \$19,291 and one from Hustler for \$18,822. They also obtained a bid from Hustler for a broom to attach to the front of the lawnmower for \$4,853, and for a cab with heater to attach to the lawnmower for \$6,000 – for a total bid of \$10,853 for the two attachments. No bid was requested from Jacobsen for a broom, cab and heater.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to authorize the mayor to negotiate purchase of a mower, cab and sweeper from the company offering what is deemed to be the best deal – Jacobsen or Hustler; Councilmember Orme voted nay; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold discussed remodeling the back garage. Forsgren Associates said they could apply for a grant to help with funding. The grant would be primarily for energy saving, but could be used for the entire city building.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING:

Open Meeting law – conducting government in public: Bruce said that since open meeting law calls for conducting government in public, he suggests that the council include his e-mail to the councilmembers and mayor regarding wind turbines and Brad's e-mail to the council and mayor presenting a different view as attachments to the minutes of tonight's meeting. The council discussed the issue presented in the e-mails, which was the wisdom of allowing wind turbines in the city, especially without a provision in the code requiring that applicants obtain written permission from surrounding property owners. No decision was reached as to whether to attach the e-mails to the minutes.

Moratorium on wind turbines:

MOTION: It was moved by Councilmember King and seconded by Councilmember Merrill to end the moratorium on erecting wind turbines in Sugar City, effective when the wind turbine ordinance appears in the newspaper; motion carried.

COUNCILMEMBER MERRILL: No report.

MAYOR'S BUSINESS:

City Council December 25th: **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Merrill to cancel the regular council meeting on December 24; motion carried.

P&Z appointment to fill vacancy of Vaun Waddell: The mayor reported that P&Z gave him a list of possible names as suggestions to fill the vacancy created by the upcoming

departure of Vaun Waddell to the City Council. He suggests Randall Miller.

MOTION: It was moved by Councilmember King and seconded by Councilmember Harris to confirm the appointment of Randall Miller as a member of the Planning and Zoning Commission, to fill the vacancy that will be created by the upcoming departure of Vaun Waddell, elected to the Sugar City Council; Councilmember Orme voted nay; motion carried.

Temporary investment of city funds: Marcie led a discussion on the possible purchase of CDs as an investment for city funds.

MOTION: It was moved by Councilmember King and seconded by Councilmember Harris to direct City Treasurer Marcie Smith to investigate buying CDs or U.S. treasury bills/bonds and to invest city reserve funds in whichever of these two debt instruments she thinks best; motion carried.

Select date for second public meeting to be held in Sugar City on the proposed East Parkway Corridor: The mayor reported that Todd Tuckett wants to set a second public meeting on the proposed East Parkway Corridor. He gave us three potential dates: Tuesday, January 26; Wednesday, January 27; and Thursday, January 28.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to set Wednesday, January 27, 2010, at 6 p.m., for a public information meeting on the East Parkway Corridor study and to utilize the Sugar-Salem School auditorium, if available; Councilmember Orme abstained from voting; motion carried.

Meeting adjourned at 10 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2009-6

A RESOLUTION OF THE CITY OF SUGAR CITY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR AN INCREASE IN THE DOG LICENSE FEE UNDER SUGAR CITY, IDAHO CODE, SECTION 4-1-4A; AND PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Section 4-1-4A of the Sugar City, Idaho Code provides for a dog license fee to be set by resolution of the City Council; and

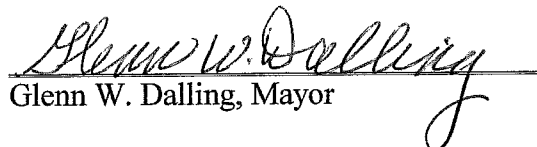
WHEREAS, the City Council has determined that an appropriate dog license fee is Twelve Dollars (\$12.00) per calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sugar City, Idaho, as follows:

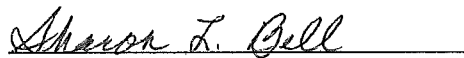
The City Clerk shall collect as a fee for licensing each dog as set forth in Section 4-1-4A of the Sugar City, Idaho Code, the sum of Twelve Dollars (\$12.00) for each calendar year, commencing on January 1, 2010

This Resolution shall become effective as of the date of its passage.

**UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL
AND MAYOR THIS 10TH DAY OF DECEMBER, 2009.**


Glenn W. Dalling, Mayor

ATTEST:


Sharon L. Bell, City Clerk

(SEAL)